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Human rights situation in Palestine and other Occupied Arab territories

Information presented by the Palestinian Independent Commission for Human Rights*.

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Palestinian Independent Commission for Human Rights**, reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

* National human rights institution with "A"-status accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

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Annex

[English only]

Submission by the Palestinian Independent Commission for Human Rights

Children

On 20th of November 1989, the General Assembly of the United Nations recognized the Convention on the Rights of the Child which took effect in September 1990. The preamble of the Amended Palestinian Basic Law of 2003 issued by the Palestinian Legislative Council emphasizes the commitment of the Palestinian National Authority to the principles of the international law and human rights, including the provisions of Convention on the Rights of the Child. It also recognizes a document calling for alleviating the child's suffering and respect of the child's rights in conformity with the provisions of the Convention on the Rights of the Child (CRC) that guarantees their right to live and enjoy a decent life. This document was issued during a meeting held by the United Nations General Assembly in 2001 in the presence of a large number of international agencies working with children.

Since Israel's occupation of the Palestinian territory in 1967, it has systematically targeted Palestinians including children. They blatantly violated the rights of the Palestinian children in violation of the CRC, which they have ratified. It has violated the Convention through several measures, laws, practices and daily violations of the Palestinian child's right to a decent life. The patterns of these violations are multiple and have had an adverse impact on the rights, life and well-being of the Palestinian children. Below are some of the violations and practices committed by Israeli Occupying Forces (IOF) against Palestinian children in the West Bank and Gaza Strip during 2014:

Targeting the children of the Gaza Strip during its last military aggression (Operation Protective Edge)

On 7th of July 2014, the IOF launched a large-scale 51-day military aggression against the Gaza Strip using its air, land and marine forces. During this military aggression, the IOF committed war crimes and crimes against humanity. It paralyzed all walks of life causing the unprecedented destruction to infrastructures and civilian properties and objects and forcibly displaced thousands of families. It committed heinous crimes against humanity in violation of the principles, customs and values of international humanitarian law and international human rights law amidst shameful silence on behalf of the international community.

During its military aggression, the IOF systematically violated the rights of the Palestinian civilian population, mainly children, including the right to life and decent living. Its military forces have excessively and deliberately targeted the Palestinian civilians, particularly children and women who were victims of Israeli violence. Such an example of horrendous crimes by the IOF was the air strike targeting four children of one family while they were playing on the beach. The bodies of these four children of Bakir Family were mutilated by Israeli missiles on16th of July 2014.

Amongst the 2280 Palestinian victims killed by the IOF in the Gaza Strip and the West Bank in 2014, 573 of them were Children[1], of which 561 children were from the Gaza Strip. In addition, 3189 were injured and at least 1000 will suffer permanent disabilities[2].

- During Israel's aggression, children of the Gaza Strip lost all forms of protection and security, especially when the UNRWA's schools, including other schools, hospitals and places of worship which were used as refuge were targeted.
- 26 schools were completely damaged and 122 others suffered partial damage. 17 hospitals and 45 health care centers also suffered damages[3]. The Israeli aggression hindered the educational process in the Gaza Strip by targeting a large number of schools, causing damage to dozens of them. It also displaced thousands of citizens whose homes were destroyed and forced to live in schools used as shelters after Israeli war planes targeted their homes and demolished thousands of them fully or partially. Statistics from the High Palestinian Council for Childhood and Maternity showed that the number of displaced children who sought refuge in UNRWA's schools reached (116,611) under the age of 18 years. A large number of cultural institutions and public parks were also bombarded.
- The ongoing bombardment and blatant violations of human rights committed by the IOF caused psychological trauma to many citizens of the Gaza Strip. 87% of children in the Gaza Strip suffered from trauma and disorders; 89% suffered loss of appetite and 96% suffered from sleeping disorders[4]. Tens of thousands of children suffered trauma that affected their psychological and behavioral health, such as fear, panic, inability to concentrate, urinary incontinence, and speech problems. The parents have lost any ability to ensure protection for their children. Many children suffered from malnutrition and anemia due to the deteriorating economic conditions that seriously affected their families due to more than seven years of a military siege on the Gaza Strip.
- Children of the Gaza Strip have suffered from the consequences of the Israeli military aggression that targeted their homes and infrastructures, such as water, electricity and sewerage networks as well as telephone lines and roads. Moreover, some children were used by the invading Israeli forces as human shields.
- Children in the Gaza Strip have been deprived of access to portable water and appropriate sanitary services. Palestinian civilians, including children still suffer from the ongoing tight siege of the Gaza Strip and its impact on the continuous shortages in electricity and fuel as well as the increase in poverty and unemployment.

Violation of the rights of children in the West Bank

Patterns of IOF violations against Palestinian civilians in the West Bank are multiple affecting the life and rights of the children. Israel exercised violence against children in the West Bank through military attacks, targeting of schools, and assaults by settlers. These

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1 Primary result of the Israeli violations against the Palestinian land and homes in 2014, Applied Researches Institute –Areej:
http://www.poica.org/details.php?Article=7385

2 Statistics of the victims of the Israeli aggression on the Gaza Strip, Palestinian Center for Human Rights: http://www.pchrgaza.org/portal/ar/index.php?option=com_content&view=article&id=12308:-872014&catid=154:2012-07-29-07-02-04

3 Annual report on Israeli violations against the Palestinian people in 2014, Abdullah Al Hurani Center for Studies and Documentation which is affiliated with PLO, 5\1\2015.

4 Euro-Mid Observer for Human Rights, 2014.

practices and violations deprived Palestinian children of the right to education, health, security and a decent life. Violations of rights of children and their families continues through the policy of home demolitions, detention, targeting of property, withdrawal of residence cards from Palestinian citizens of Jerusalem, prohibition of family reunification and deprivation of construction permits.

During 2014, Israel continued to target Palestinian children in the West Bank and Jerusalem by either killing or injuring them. Others suffered psychological trauma because of Israel's policy of collective punishment.

Arbitrary detention of children

Arbitrary detention of Palestinian children by the Israeli occupation forces in 2014 reached (1266). Most of them were detained in the second half of the year following the disappearance of three Israeli settlers on 12th of June. During that period, child detention increased by 36% compared with the previous year. The 700 children detained were from occupied East Jerusalem (55.3%). In the testimonies of detained children, they emphasized that they were all subjected, in one way or another, to a pattern of torture, humiliation, and deprivation of their basic human rights. Some of Israel's settlements were transformed into centers of interrogation and forcibly extracted confessions. According to the findings of inquiries conducted by some legal organizations, children who were detained in 2014 were subjected to systematic violations with the purpose of extracting confessions from them.

The IOF continues to detain (6500) Palestinians, including (300) people under the age of (18) years. The IOF recognized a draft law approved by the Israeli parliament (Knesset), allowing the courts to impose punishment of up to 20 years in prison on children charged with throwing stones at Israeli soldiers and\or settlers. The IOF use Hebrew as the language during interrogations with these children and force them to sign documents written in Hebrew which they do not understand.

- Besides subjecting detained children to physical torture and threats during interrogation, the IOF resorted to using solitary confinement as a method to extract confessions from them. One child out of five is put in solitary confinement where he\she is deprived of meeting his/her lawyer. The solitary confinement cells include sharp edges that make it difficult for the child to ensconce. Investigation processes usually last for (30) days[5]. The aim of holding children in solitary confinement is to forcibly extract confessions as evidence against them in military courts or to collect intelligence about other persons.
- Child detainees are prosecuted by Israeli military courts that ignore their status and rights as a means used to coerce them into confession.
- Practices used by the IOF has caused physical and psychological harm to the Palestinian detainees and deprives them of their right to education and normal life. Palestinian children in Israeli detention are subjected to ill-treatment through torture.
- The monthly average number of Palestinian children held in Israeli detention is 197. The detention campaign by the IOF against Palestinian children and youths has increased in the second half of 2014[6].

[5] A report on the Israeli violations against the Palestinian children issued by Euro-Mid Observer for Human Rights, published on 1\7\2014.
[6] A statement issued by Defence for Children International, 17\1\2015.

- The IOFs detention of Palestinian children endangers their current and future life. There should be a prompt international intervention to stop these vengeful measures and ensure protection for them against detentions and other measures such as torture and severe violations committed against them in Israeli detention centers.

- Israel has not adhered to the CRC and the protection of Palestinian childhood in accordance with the international human rights law, namely the Fourth Geneva Convention on the Protection of Civilians at Times of War and under Occupation. Palestinian children were cruelly treated in detention facilities that lack the minimum detention standards. They are deprived of their basic human rights, including the right to food, health, treatment, legal defense, contact with family members, and subjected to torture and/or other forms of cruel, inhuman or degrading treatment.

Violence of the occupation forces and settlers

Israeli settlers committed a heinous crime when they kidnapped, tortured and burnt to death 17 year old Muhammad Abu Khdair from Shufat in Jerusalem on 2nd of July 2014.

Violations committed by Israeli settlers and occupational military forces against the Palestinians noticeably increased in 2014. The IOF used live ammunition against Palestinians protesting in the West Bank against the Israeli aggression on Gaza and the burning of Muhammad Abu Khdair by Israeli settlers. During this period, 11 Palestinian children were killed[7]. Israel's use of collective punishment, mainly home demolitions, against the Palestinians, including children, has caused trauma to a number of them and effected their education and life.

Facts

- Palestinian childhood has no immunity to the Israeli occupation, and the violations it commits against the Palestinian children are increasing and continuous. These violations include the right to a decent life, security, and safety for Palestinian children.

- Israel's occupational violations threaten the psychological security of Palestinian children in the West Bank and Gaza Strip. They are aimed at destroying their personality and renders them into potential terrorists. They have adversely impacted the basic rights of the Palestinian child including the right to life, education, transportation, housing, and health.

- The IOF breaches the basic standards of fair juvenile courts. Israeli military courts ignore the age of child detainees and how confessions are extracted from them. These courts sometimes sentence Palestinian children held in Israeli detentions to long years or life term in prison.

- Dozens of testimonies and reports show that all Palestinian children held in Israeli detention were subjected to more than one pattern of physical or psychological torture.

- The Israeli occupation State granted its military Chief executive, judicial and legislative powers over the occupied Palestinian territories which is subject to military orders and ordinances. These military orders which are in breach of the provisions of international law criminalize acts of natural rights and impose harsh

[7] A statement issued by Defence for Children International, 17\1\2015.

punishments such as throwing stones at the IOF. The military orders which are about (1700) deny the basic rights of Palestinians. While they apply to every person living in the occupied Palestinian territories, Israeli civil and criminal legal systems only applies to the Israeli settlers living there.

- Israeli occupation soldiers involved in violations of the rights of Palestinian children still escape justice amidst international silence.

Recommendations

1. The Palestinian Independent Commission for Human Rights (ICHR) calls on the High Contracting Parties to the Four Geneva Conventions to promptly apply pressure on the IOF to stop violations of human rights of the Palestinian people, particularly the children.

2. ICHR calls on the Human Rights Council to apply pressure on Israel as the occupying power to stop the detention of Palestinian children, release those kept in detention; to stop the use of solitary confinement; end the prosecution of Palestinian children in military courts; stop depriving them of family visits, and allow them to meet their lawyers prior to their interrogation.

3. ICHR calls on international organizations to apply pressure on Israel to stop its violations on the rights of the Palestinian child and establish fair juvenile trials inside the occupied Palestinian territories.

4. ICHR calls on the Human Rights Council and international community to act to ensure protection for Palestinian children, break international silence on the violations and crimes committed by Israel against Palestinian children and bring Israeli war criminals and violators of human rights of children to justice.